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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

	)	No. CV 09-00336 SOM-BMK
OKLEVUEHA NATIVE	)	<b>DEFENDANTS' NOTICE OF</b>
AMERICAN CHURCH OF HAWAII,	)	<b>MOTION AND MOTION TO</b>
INC.,	)	<b>DISMISS FOR LACK OF</b>
MICHAEL REX "RAGING BEAR"	)	<b>SUBJECT MATTER</b>
MOONEY,	)	<b>JURISDICTION AND FAILURE</b>
	)	<b>TO STATE A CLAIM;</b>
Plaintiffs	)	<b>DEFENDANTS'</b>
	)	<b>MEMORANDUM IN SUPPORT</b>
vs.	)	<b>OF MOTION TO DISMISS;</b>
	)	<b>CERTIFICATE OF SERVICE</b>
ERIC H. HOLDER, JR., U.S.	)	
Attorney General;	)	
MICHELE LEONHART, Acting	)	
Administrator, U.S. Drug	)	
Enforcement Administration;	)	
FLORENCE T. NAKAKUNI, U.S.	)	

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Attorney for the District of Hawaii, )  
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Defendants )  
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**DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS FOR  
LACK OF SUBJECT MATTER JURISDICTION AND FAILURE TO  
STATE A CLAIM**

Please take notice that pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Eric H. Holder, Jr., U.S. Attorney General; Michele Leonhart, Acting Administrator, U.S. Drug Enforcement Administration; and Florence T. Nakakuni, U.S. Attorney for the District of Hawaii, hereby move to dismiss this action for lack of subject matter jurisdiction and failure to state a claim as to all claims asserted by Plaintiffs Oklevueha Native American Church of Hawaii, Inc., and Michael Rex Mooney. This motion is based on the attached supporting memorandum, together with such other matters and argument as may be presented at the hearing on the motion, the date and time of which will be set and noticed by the Court.

Date: October 22, 2009

Respectfully submitted,

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